

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

EZHIL SEZHIAN KAMALDOSS,

Defendant.

* * * * *

* Case No. 19-MJ-793 (RLM)

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* Brooklyn, New York

* September 27, 2019

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TRANSCRIPT OF CRIMINAL CAUSE FOR
APPLICATION TO EXCLUDE TIME
BEFORE THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:

ANDREW GRUBIN, ESQ.
Asst. United States Attorney
United States Attorney's Office
271 Cadman Plaza
Brooklyn, NY 11201

For the Defendant,
Ezhil Kamaldoss:

LANCE CLARKE, ESQ.
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Proceedings recorded by electronic sound recording,
transcript produced by transcription service.

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1 (Proceedings commenced at 11:21 a.m.)

2 THE CLERK: Criminal cause for Ezhil Kamaldoss,
3 case no. 19-M-793. Counsel, your name for the record.

4 MR. GRUBIN: Good morning, Your Honor. Andrew
5 Grubin for the government.

6 MR. CLARKE: Good morning, Your Honor. Lance
7 Clarke for Mr. Kalmadoss. Good morning, everyone.

8 THE COURT: Good morning.

9 Mr. Kalmadoss, do you speak and understand English?

10 THE DEFENDANT: Yes.

11 THE COURT: Mr. Grubin, tell me a little bit about
12 why we're doing this and whether it's the first time or not?

13 MR. GRUBIN: I believe this is the first time,
14 Your Honor. We are doing this because the parties are
15 engaged in plea negotiations and we're trying to see if there
16 might be a way to resolve this short of indictment.

17 THE COURT: Correct, counsel?

18 MR. CLARKE: That's my understanding, Your Honor.

19 THE COURT: Mr. Kalmadoss, I don't know if I'm
20 pronouncing it correctly. I hope I am.

21 Mr. Kalmadoss, ordinarily you have a right to have
22 formal charges lodged against you within 30 days of being
23 arrested, and you have a right to a trial on those charges 70
24 days after that.

25 One of the reasons for these rules is so that you

1 can't be held in jail for more than a hundred days, 30 plus
2 70, without your right to your day in court.

3 Are you understanding me so far?

4 Please answer me out loud so we have a record of
5 the fact that you're understanding me. Okay?

6 THE DEFENDANT: Yes.

7 THE COURT: Your lawyer has just handed me a form
8 that says you do not want from today until November 11th to
9 count as part of the first 30 days, or overall 100 days
10 within which your case must be brought to trial.

11 Are you still understanding? Please answer me out
12 loud.

13 THE DEFENDANT: Yes.

14 THE COURT: The reason he wants you to -- he says
15 you want that is so that he and the prosecutor can go over
16 the evidence against you and decide whether there is a more
17 lenient way than the indictment the government might be
18 planning on bringing now for resolving your case.

19 Do you understand? Yes? Please answer me out
20 loud, sir.

21 THE DEFENDANT: Yes. Yes.

22 THE COURT: Are you having any difficulty
23 understanding me at all?

24 THE DEFENDANT: No, no.

25 THE COURT: Okay. Do you want me to enter this

1 order even though it would delay the progress of your case by
2 about seven weeks? Do you still want me to enter the order
3 even though it would delay the case? Do you want to talk to
4 your lawyer about that first before you answer? I see you
5 turning to him.

6 THE DEFENDANT: No.

7 THE COURT: No?

8 MR. CLARKE: I think the answer was no, I would not
9 like to speak with my attorney.

10 THE COURT: I understand, but you need to be a
11 little more attentive here.

12 Are you having any difficulty understanding me?
13 We'll get you an interpreter if you'd prefer.

14 THE DEFENDANT: No. Yes.

15 THE COURT: Yes, you want -- yes, what?

16 THE DEFENDANT: I actually I asked for the lawyer -
17 - if there is any plea deal so the --

18 THE COURT: You asked if there is any plea deal?

19 THE DEFENDANT: Yeah.

20 THE COURT: So you do want me to enter this order
21 so your lawyer has more time to investigate that, even though
22 it would delay the case?

23 THE DEFENDANT: Yeah.

24 THE COURT: Are you making this decision
25 voluntarily?

1 THE DEFENDANT: Yes.

2 THE COURT: Is anybody pressuring you or forcing
3 you to agree to this?

4 THE DEFENDANT: No.

5 THE COURT: Counsel, are you satisfied your client
6 is making a voluntary and informed choice here?

7 MR. CLARKE: I am, Your Honor.

8 THE COURT: I find the consent of the defendant
9 knowing and voluntary. I find the entry of the order of
10 excludable delay to be in the interest of justice and I'm
11 entering it accordingly.

12 MR. CLARKE: Thank you, Your Honor.

13 MR. GRUBIN: Thank you, Judge. Have a good day.

14 (Proceedings concluded at 11:25 a.m.)

15 I, CHRISTINE FIORE, court-approved transcriber
16 and certified electronic reporter and transcriber, certify
17 that the foregoing is a correct transcript from the official
18 electronic sound recording of the proceedings in the above-
19 entitled matter.

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October 4, 2019

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Christine Fiore, CERT

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